

## **MINUTES**

### **BOARD OF COMMUNICATIONS DISORDERS AND SCIENCES**

Date: November 30, 2004

Time: 10:20 a.m. CDT

Location: Tennessee Room, Ground Floor  
Cordell Hull Building  
425 Fifth Avenue North  
Nashville, TN 37247-1010

Members Present: Dr. Melinda Richards, Chair  
Ms. Donna Schwaber, Secretary  
Dr. Brian Burkey, Physician  
Dr. Dan Orchik, Audiologist  
Dr. Sandra Newson, Speech Pathologist  
Ms. Nakeda Rochelle Kirby, Consumer

Members Absent: Ms. Rose Hutton, Audiologist

Staff Present: Ms. Bonnie Ferrell, Board Administrator  
Ms. Nicole Armstrong, Attorney  
Ms. Marva Swann, Unit Director  
Mr. Jerry Kosten, Rules Coordinator  
Ms. Brandi Bozarth, Litigating Attorney

Visitors: Dr. David Levy, Council Chair  
Mr. Thomas Stewart, Council Secretary  
Ms. Jane Ann Myers, Speech Pathologist  
Ms. Lynne Harman, SLP  
Ms. Mary Sue Filo-Szumaski

A quorum being present, the Board meeting was called to order by Ms. Donna Schwaber at 10:20 a.m.

#### **Office of General Counsel**

Ms. Nicole Armstrong reminded the Board members of their responsibilities under the conflict of interest policy and requested that any member who had not already done so, sign the conflict of interest policy.

Ms. Armstrong presented the Office of General Counsel Report and the status of the following rule changes:

1370-1-.03, .05, .06, -- Necessity of licensure or registration, Qualified applicants may practice while application is being considered, No renewal fee for inactive volunteers; a rule-making hearing was held on October 20, 2003; received a final approval from the Board on November 4, 2003 and sent to the Attorney General on December 5, 2003 for review and approval; became effective October 4, 2004.

1370-1-.15, -- Order Modification; compliance, appearance, assessing costs; a rule-making hearing was held on December 23, 2003; received final approval from the Board on February 24, 2004 and sent to the Attorney General on March 26, 2004 for review and approval; will become effective October 4, 2004.

1370-1-.01, .05, .07, .10, .14 -- Definitions; Procedures for licensure; Application, review, approval and denial; Clinical Fellowships and Supervision; and Speech Language Pathology Assistants and Supervision; rule-making hearing was held on August 3, 2004; received final approval from Board on September 28, 2004 and sent to the Attorney General on November 16, 2004.

Ms. Armstrong then informed the Board that there were two (2) contested cases on the docket for this meeting.

Mrs. Brandi Borzath informed the Board on the following contested cases:

Ms. Dana Turner Pendaevs, Audiologist, #1106 had been dismissed.

Mr. Thomas Lamb, III, Speech Pathologist, #2360 has agreed that cause exists to discipline his license and will sign an Agreed Order.

Dr. Brian Burkey made a motion, after reviewing the finding of facts and the Counsel's terms and conditions, " Mr. Lamb is assessed two (2) type C Civil Penalties, for a total of one hundred seventy (\$170.00) dollars. Said penalty is due and payable to the Board of Communications Disorders and Sciences in certified funds or money order. The Civil Penalties are due thirty (30) days after the date a final order of assessment is served" to accept the Agreed Order as written. Dr. Melinda Richards seconded the motion and the motion carried.

## **Rules**

Mr. Jerry Kosten reviewed the following amendments to Rule 1370-2-.12 for Hearing Instrument Specialists that went to Rulemaking Hearing on October 8, 2004.

### **A. Continuing Education**

A motion was made by Dr. Burkey to accept the amendments as written. The motion was seconded by Dr Richards and carried.

Mr. Jerry Kosten reviewed the following amendments to Rule 1370-2-.04 for Hearing Instrument Specialists that went to Rulemaking Hearing on June 18, 2004, was

approved by the Council on July 16, 2004 and tabled by the Board on September 28, 2004. The Board requested Dr. David Levy to attend this meeting and provide them with an explanation as to why the Council wants a written examination other than the National Examination from the International Hearing Society that they now use.

Dr. Levy appeared before the Board as requested. Prior to giving an explanation he informed the Board of his credentials and the credentials of his father. Dr. Levy explained that the Council would like to have another written examination so they would have a choice between the two. Dr. Levy stated that the I.L.E. Examination we are using now does not meet the Hearing Instrument Specialists scope of practice. He said that if we had two (2) exams to choose from that the Council would decide which one the applicant would take.

Mr. Kosten: When did the I.L.E. Examination start asking questions that were out of the Hearing Instrument Specialist's Scope of Practice.

Dr. Levy: They started asking these questions in 2000 and 2001.

Mr. Thomas Stewart: The Council does not want to stop using the National I.L.E. Examination, they just want to have a choice.

Ms. Schwaber: Using an examination other than the I.L.E. would put a hardship on the applicants, due to the fact that any other examination would not be accepted in other states.

Ms. Bonnie Ferrell: If we do find another company, such as Educational Testing Services, the contract would have to go out for bid and this is very time consuming. Also the applicant should have a choice of what examination he takes if we have the National and an alternative.

Dr. Orchick: Who would pay for contracting another examination or writing their own, which would have to be tested by a psychometrician or otherwise to ensure the validity of said exams. This would be very costly and would take a lot of time.

Dr. Levy : The cost would be paid by the applicants, through their supervisors.

Mr. Kosten: The Council had an increase in their fees about a year and a half ago.

Ms. Robbie Bell: All the Boards are trying to get out of the testing business.

After much more discussion, Ms. Schwaber asked for a motion to table their decision on this matter until Ms. Ferrell and Ms. Marva Swann could do some research on the I.L.E. Examination, what states were using this exam and if not , why?

Dr. Richards made a motion to table this matter until more research could be done. Dr. Orchick seconded the motion.

Ms. Ferrell called for a roll call vote and the motion carried.

Dr. Richards informed the Board that Mr. John Williams of the State Association was going to take action on having the statutes changed so we could require the Speech Pathology Assistants to renew every two years. This would allow us to keep track of where they were working and who was supervising them.

Dr. Orchick nominated Dr. Richards as the new chairperson for the Board. Dr. Newsom seconded the motion and the motion carried.

Ms. Jane Myers appeared before the Board regarding reinstatement of her Speech Pathology License that went into Failed to Renew in 1999. She informed the Board that she had not practiced as a Speech Pathologist since 1998. The administrative office had the wrong address on her file, therefore she did not receive a renewal form. She presented the Board with copies of her continuing education and receipts showing she paid her Privilege Tax.

A motion was made by Dr. Richards to reinstate Ms. Myers license when she paid all renewal fees. Dr. Newsom seconded the motion and the motion carried.

The Board recessed for lunch at 12:30pm

The Board reconvened at 1:30pm.

### **Disciplinary Report**

Ms. Ferrell informed the Board that there was no one under disciplinary action at the present time.

### **Investigative Report**

Ms. Armstrong reported on the Investigative Report. There were no new complaints for the month of October. One (1) complaint was closed "No Action", Eleven (11) were sent to Office of General Counsel for a total of twelve (12).

Ms. Bell explained the Disciplinary Guidelines to the Board. She informed them that all the other Boards/Councils had adopted them. After reviewing the guidelines, Dr. Newsom made a motion to adopt as written. Ms. Schwaber seconded the motion and the motion carried.

### **Minutes**

After reviewing the minutes of the July 16, 2004 Council meeting Dr. Newsom made the motion to accept them as written. Dr. Orchick seconded the motion and the motion carried.

Dr. Burkey made a motion to accept the minutes from the September 28, 2004 Board meeting with the following corrections: Change Mr. Dan Orchik to Dr. Dan Orchik on page three (3), insert Dr. before Ms. Newsom's name on page one (1) and three (3). The motion was seconded by Dr. Newsom and carried.

## **Administrators/Directors Report**

Ms. Ferrell presented the administrative report, regarding the following:

- A. Number of Active licensees, Retired Licensees and those in Failed to Renew.
- B. That we are well within our goal for performance measures.
- C. Only Twelve (12) Speech Pathologist and one (1) Audiologist renewed on line in the month of October, 2004.

Ms. Ferrell stated that of the four Audiologists files that were sent to Investigations for failure to comply with the 2002 continuing education audit, one (1) is still open, three (3) have been closed and one (1) has paid the civil penalty and submitted continuing education. Of the four (4) Speech Pathologist files that were sent to Investigations, two (2) are still open, one (1) has been closed and one (1) signed an Agreed Order.

Ms. Ferrell informed the Board that Mr. Jackie Miller had been appointed to the Council, he replaced Mr. Thomas A. Moyer, whose term expired 6/30/04.

### **File Ratification**

Dr. Richards made a motion to ratify all the following licensees that Ms. Ferrell had initially approved:

### **Speech**

1. Ackerman
2. Alverze, Keli Brooke
3. Burchett, Holly M.
4. Butler, Linda Ann
5. Camarata, Stephen Mark
6. Carpenter, Melissa A.
7. Compton, Lisa Cox
8. Cornish, Courtney
9. Crownover, Jill Allison
10. Davis, Lelly Nicole
11. Dotzler, Samantha
12. Douglas, Dorthan
13. Dunlap, Laura H.
14. Duffy, Rachel Nicole
15. Fleisig, Beverly Lynn
16. Foos, Kristi M.
17. Hurley, Kathryn Elizabeth
18. Kearney, Natasha Smith
19. Kelly, Nancy C.
20. Klock, Karrie Mae
21. Lapidus, Kimberly Lynn

22. Lenning, Stacey Andrea
23. Leslie, Reagan C.
24. McCrea, Carman M.
25. McCrea, Chistopher R.
26. Meacham, Anissa Nichole
27. Mosley, Anthony Frances
28. Odom, Stacie Lynne
29. Page, Victoria Joan
30. Potter, Amanda Frances
31. Rice, Sarah K.
32. Salisbury, Amee L.
33. Slone, Jamie K.
34. Smith, Wendy Elizabeth
35. Sowder, Derrick R.
36. Stewart, Melissa
37. Waller, Marcie R.
38. Walsh, Madalena Maria
39. Willey, Veronica Morin
40. Williamson, Jennifer A.
41. Zuker, Amy C.

#### **AUDIO**

1. Dickinson, William W.
2. Fenwick, Molly McCool
3. Hendea, Oana M.
4. Lewis, Beverly Lynn
5. Robertson, Elizabeth Katherene
6. Ryan, Hollea Ann
7. Taylor, Majorie Almeida
8. Taylor, Melissa Jane
9. West, Andrea Dawn
10. Wilkins, Sara Elizabeth
11. Young, Mary F.

#### **RECIPROCITY**

#### **SPEECH**

1. Allison, Ann - TX, OH, MD
2. Cazana, Andrea Kristin - GA
3. Cole, Debra A. - fl
4. Frymyer, Larrietta Leann - KY
5. Greer, Kimberly Dawn - VA, WV
6. Howe, Debra A. - FL
7. Ladyko, Christina Maria - TX

8. Lumaye, Kelli A. - IN
9. March, Lorinda Kaye - MO, OK, TX
10. Shaw, Tiffany Lynn - MS
11. Yoder, Allissa Kay - OH, LA, TX, KY, IN

### **AUDIO**

1. Elder, Marie Annette

### **REINSTATEMENTS**

### **SPEECH**

1. Adams, Ashley Estes
2. Camarata, Mary N.
3. Campbell, Jacqueline Keatts
4. Chandler, Marisa Kee
5. Cole, Elizabeth Ann
6. Culp, Leslie Howell
7. Dycus, Luanna Cruey
8. Hinds, Ronald Van
9. Lamb, Thomas Arthur, III
10. Lathrop, Debra Lee
11. Lattus, Jessica Anne
12. Lefkowitz, Amy Roberson
13. Long, Carrie Beth
14. Stacy, Scott Anthony
15. Terrebonne, Laura R.
16. Tipler, Tavedia Dunlap

### **AUDIO**

#### **Adjournment:**

Being no further business, Ms. Schwaber made the motion to adjourn. Dr. Richards seconded the motion. The motion carried and the meeting was adjourned at 1:20p.m.

BF/G4015055/CDS